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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,798	02/12/2004	Mildred Karkoff	1913A1	5845

7590
PPG Industries, Inc.
Law-Intellectual Property
One PPG Place
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EXAMINER

DUNHAM, JASON B

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/777,798

Applicant(s)

KARKOFF ET AL.

Examiner

Jason B. Dunham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-10,12-26,28-33,35-41, and 43-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Tambay (U.S. Patent Application Publication No. 2001/0037255).

Referring to claim 1. Tambay discloses a computer-based system for illustrating product data comprising:

- An input interface wherein a user selects one or more products (Tambay: figures 1-2);
- At least one database comprising product data of the products (Tambay: paragraph 26);
- A program in communication with the input interface and the at least one database, wherein the program retrieves selected product data for products selected by the user (Tambay: figure 3);
- An output interface in communication with the program, which illustrates at least some of the selected product data, wherein the computer-based system is interactive with the user, such that the user may adjust at least some of the

product data illustrated in the output interface to generate additional product data (Tambay: figure 2 and 4).

Referring to claim 2. Tambay further discloses a system wherein the program communicates with the input interface, the database, and the output interface via a communication media comprising one or more types of computer networks (Tambay: figures 1).

Referring to claim 3. Tambay further discloses a system comprising a maintenance interface in communication with the database (Tambay: paragraph 24).

Referring to claim 4. Tambay further discloses a system comprising an output device in communication with the output interface (Tambay: figure 1 and paragraph 97).

Referring to claim 6. Tambay further discloses a system wherein the user selects at least two products (Tambay: paragraph 119 and 128).

Referring to claim 7. Tambay further discloses a system wherein the input interface comprises a plurality of input screens (Tambay: paragraph 128).

Referring to claim 8. Tambay further discloses a system wherein the products comprise coatings (Tambay: abstract).

Referring to claim 9. Tambay further discloses a system wherein the product data illustrated in the output interface comprises one or more of component data, component-mixing ratios, and the ready to spray price of the coatings (Tambay: figure 2).

Referring to claim 10. Tambay further discloses a system wherein the component data comprises at least one of a code, a description, a price, and a package size (Tambay: figure 2).

Referring to claim 12. Tambay further discloses a system wherein the input interface comprises a product search tool (Tambay: figure 3).

Referring to claim 13. Tambay further discloses a system wherein the search tool comprises a list of product suppliers and brands (Tambay: figure 4 and paragraphs 26 and 128).

Referring to claim 14. Tambay further discloses a system wherein the search tool comprises a list of paint lines (Tambay: paragraph 103).

Referring to claim 15. Tambay further discloses a system wherein the search tool comprises a list of product mix categories (Tambay: paragraph 119).

Referring to claim 16. Tambay further discloses a system wherein the search tool comprises a list of products (Tambay: figures 2-3).

Referring to claim 17. Tambay further discloses a system wherein the program resides on a server (Tambay: figure 1).

Referring to claim 18. Tambay further discloses a system wherein the database comprises product data for a plurality of products of a plurality of product suppliers (Tambay: figure 4 and paragraphs 26 and 128).

Referring to claim 19. Tambay further discloses a system wherein the user may adjust one or more of the component package sizes, component-mixing ratios and ready to spay prices illustrated in the output interface (Tambay: figure 2).

Referring to claim 20. Tambay further discloses a system wherein the system is capable of generating a report that illustrates the contents of the output interface (Tambay: paragraphs 58-65).

Referring to claim 21. Tambay further discloses a computer generated report illustrating the contents of an output interface, wherein the reports comprises selected product data of one or more products, wherein the product data is retrieved from at least one database comprising product data of one or more products, and wherein at least some of the product data is adjustable in the output interface to generate additional product data (Tambay: figures 2 and 4 and paragraphs 58-65).

Referring to claim 22. Tambay further discloses a document comprising the report of claim 21 (Tambay: paragraph 115).

Referring to claims 23-26 and 28. Claims 23-26 and 28 are rejected under the same rationale set forth above in the rejection of claims 6, 8-10, and 19.

Referring to claims 29-33, 35-37, and 44. Claims 29-33, 35-37, and 44 are rejected under the same rationale set forth above in the rejection of claims 1,6-10,19,and 21-22. Tambay discloses methods according to the above claims.

Referring to claims 38-41,43, and 45. Claims 38-41,43, and 45 are rejected under the same rationale set forth above in the rejection of claims 1,7,9-10, and 21-22. Tambay discloses methods according to the above claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,11,27,34, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tambay (U.S. Patent Application Publication No. 2001/0037255) in view of Howes (U.S. Patent No. 6,959,284).

Referring to claim 5. Tambay discloses all of the above as noted under the 102(b) rejection but does not expressly disclose an output device consisting of a printer. Howes discloses a computer-based system for illustrating product data comprising an output device consisting of a printer (Howes: abstract and figure 5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Tambay to have included a printer, as taught by Howes, in order to better identify selected products (Howes: abstract and figure 5).

Referring to claim 11. Tambay discloses all of the above as noted under the 102(b) rejection but does not expressly disclose a system wherein the description designates a quality grade of the coating. Howes discloses a computer-based system for illustrating product data wherein the description designates a quality grade of the coating (Howes: abstract and paragraph 19). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of

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Tambay to have included a quality grade of the coating, as taught by Howes, in order to assure customers of the quality of the coating (Howes: abstract).

Referring to claims 27,34, and 42. Claims 27,34, and 42 are rejected under the same rationale set forth above.

Response to Arguments

Applicant's arguments filed December 18, 2006 have been fully considered but they are not persuasive. Applicant argues that Tambay does not disclose the limitation in independent claims 1,21,29, and 38 wherein the user may adjust some of the product data in the output interface to generate additional product data. Applicant cites paragraphs 7-8 of the specification for support. The examiner notes paragraph 128 of Tambay describing figure 4. Paragraph 128 discloses, "A user may click on any section of hub to identify that subset of products and services that are of interest to that user 460. Once the user has selected the subset, the embodiment presents the user with an HTML page (i.e. output interface) that allows the user to further refine the product and service search 460 (i.e. adjust product data). When the user submits this form, the user can perform other standard commerce functions such as purchasing a product 480 or viewing product information 490." Clearly, Tambay anticipates a user selecting products, an interface displaying product data to the user, and the user adjusting product data to generate additional product data. The dependent claims of independent claims 1,21,29, and 38 are rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
2/12/07


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